

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

KRIS MICHAEL HOSKINS,
CYNTHIA LEE HACAULT,
Debtors.

)
)
) CASE NO: 3:16-bk-07947
) CHAPTER 13
) JUDGE RANDAL S. MASHBURN

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 10/8/2019
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 10/16/2019 AT 8:30 A.M.
IN CUSTOMS HOUSE, 2ND FLOOR, COURTROOM 1, 701 BROADWAY, NASHVILLE, TENN.

NOTICE OF MOTION TO MODIFY PLAN

Debtors have asked the court for the following relief: TO MODIFY TERMS OF THE CHAPTER 13 PLAN.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated on September 17, 2019

/s/Lewis G. Burnett, Jr.
Lewis G. Burnett, Jr., TN Bar# 6463
Attorney for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

KRIS MICHAEL HOSKINS,
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MOTION TO MODIFY PLAN

Come now the Debtors, Kris Michael Hoskins and Cynthia Lee Hacault, by and through counsel, and pursuant to 11 USC §1329 and LBR 9013, and request the Court enter an Order modifying Debtors' Chapter 13 Plan. In support of this motion, Debtors would show the following:

1. Debtors' household income has decreased since the last budget was filed, and they are unable to fund the plan while meeting necessary living expenses, despite Debtors' efforts to reduce monthly expenses. See attached *Amended Family Budget*.

2. Debtor's previous employer lost the contract through which Debtor was employed and when Debtor found other employment, it was for a lesser salary than his previous job.

3. Joint Debtor stopped working to deal with two deaths in her family, which were in close proximity to each other and to be with her daughter during the last trimester of pregnancy and birth of her grandchild.

4. Debtors propose:

- a. To reduce the Plan payments from \$663.50 bi-weekly to \$397.50 bi-weekly.
- b. To reduce the Plan base from \$86,200.00 to \$76,250.00.
- c. The guaranteed minimum dividend to allowed unsecured claims would remain at forty percent (40%), and Debtors propose to dedicate future income tax returns to the Trustee for the life of the Plan.
- d. The Plan would continue on a probationary basis subject to dismissal upon

application of the Trustee following a future default in plan payments.

- e. Debtors propose to attend the Trustee's Financial Management Workshop within forty-five (45) days of entry of the order granting modification.

5. There shall be no changes to the treatment of the secured creditors. No other terms of the confirmation order shall be affected by the plan payment suspension.

WHEREFORE, the Debtors, Kris Michael Hoskins and Cynthia Lee Hacault, respectfully move this Honorable Court to modify the Chapter 13 Plan according to the terms prosed above.

Dated on September 17, 2019.

Respectfully submitted,

/s/ Lewis G. Burnett, Jr.

Lewis G. Burnett, Jr., TN Bar # 6463

Attorney for Debtors

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IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:

KRIS MICHAEL HOSKINS
CYNTHIA LEE HACAULT
DEBTORS

CASE NO. 3:16-bk-07947

CHAPTER 13

AMENDED MONTHLY FAMILY BUDGET

			<u>Prior Budget</u>	<u>Current Budget</u>
Dates of Budgets:			<u>8/1/2018</u>	<u>9/17/2019</u>
<u>EXPENSES</u>				
Rent/Mortgage Payment:			<u>\$1,200.00</u>	<u>\$1,245.00</u>
Utilities:	Prior	Current		
Electric, heat, natural gas	<u>\$300.00</u>	<u>\$300.00</u>		
Water, sewer	<u>\$0.00</u>	<u>\$0.00</u>		
Telephone/Cell Phone/Inet/Cable	<u>\$265.00</u>	<u>\$300.00</u>		
Home Maintenance	<u>\$100.00</u>	<u>\$100.00</u>		
HOA Dues	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Utilities			\$665.00	\$700.00
Food			<u>\$700.00</u>	<u>\$700.00</u>
Child Care, Children Education Costs			<u>\$50.00</u>	<u>\$50.00</u>
Clothing, Laundry, dry cleaning			<u>\$200.00</u>	<u>\$150.00</u>
Personal Care Products			<u>\$125.00</u>	<u>\$125.00</u>
Medical and Dental Expenses			<u>\$175.00</u>	<u>\$175.00</u>
Transportation (not including car pmts)			<u>\$485.00</u>	<u>\$515.00</u>
Insurance (not deducted from wages):				
Auto	<u>\$225.00</u>	<u>\$257.00</u>		
Life	<u>\$0.00</u>	<u>\$0.00</u>		
Home	<u>\$0.00</u>	<u>\$0.00</u>		
Renters	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Insurance:			\$225.00	\$257.00
Taxes: (not deducted from wages)			<u>\$0.00</u>	<u>\$0.00</u>
Domestic Support (Alimony, Child Support)			<u>\$0.00</u>	<u>\$0.00</u>
Car Payments			<u>\$0.00</u>	<u>\$0.00</u>
Other Monthly Expenses				
Entertainment			<u>\$150.00</u>	<u>\$0.00</u>
Charitable/Religious Donations			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY EXPENSES:			<u>\$3,975.00</u>	<u>\$3,917.00</u>

INCOME

		<u>Prior Budget</u>	<u>Current Budget</u>
Debtor's Gross Income:		<u>\$5,639.42</u>	<u>\$4,368.92</u>
Spouse's Gross Income:		<u>\$1,683.70</u>	<u>\$0.00</u>
Payroll Deductions:			
Payroll Taxes	<u>\$1,470.53</u>	<u>\$624.75</u>	
401(k)	<u>\$0.00</u>	<u>\$0.00</u>	
Insurance	<u>\$436.51</u>	<u>\$119.21</u>	
401(k) Loan	<u>\$0.00</u>	<u>\$0.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Total Payroll Deductions:		<u>\$1,907.04</u>	<u>\$743.96</u>
Other Regular Income:			
Support/Alimony	<u>\$0.00</u>	<u>\$0.00</u>	
Pension/SS/VA	<u>\$0.00</u>	<u>\$0.00</u>	
Family Contributions	<u>\$0.00</u>	<u>\$0.00</u>	
Other: Lyft	<u>\$0.00</u>	<u>\$1,160.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other:	<u>\$0.00</u>	<u>\$0.00</u>	
Total Other Regular Income:		<u>\$0.00</u>	<u>\$1,160.00</u>
TOTAL MONTHLY INCOME:		<u>\$5,416.08</u>	<u>\$4,784.96</u>

SUMMARY:

Total Monthly Income	<u>\$5,416.08</u>	<u>\$4,784.96</u>
Minus Total Monthly Expenses	<u>\$3,975.00</u>	<u>\$3,917.00</u>
Equals Monthly Surplus:	<u>\$1,441.08</u>	<u>\$867.96</u>

Monthly Plan Payment:	<u>\$1,437.58</u>	<u>\$861.25</u>
Duration of Plan (months):	<u>40 Months</u>	<u>27 Months Remaining</u>
Dividend to Unsecured Creditors ('	<u>40.00%</u>	<u>40.00%</u>
Secured Creditors Affected:		

***Explain any increase/decrease in income/expenses that exceeds 10%:**

Debtor's income decreased because his previous job lost the contract he was employed under. His current job pays less than the previous job. He took on a second job with Lyft and cut living expenses to the minimum to make up for the loss of income. Debtor 2 had to stop working to deal with 2 deaths in her family, which were in close proximity to each other and to be with her daughter during the last trimester of pregnancy and birth of her grandchild.

/s/ KRIS MICHAEL HOS/s/ CYNTHIA LEE HACAULT

Debtor

Joint Debtor

September 17, 2019September 17, 2019

Date

Date

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

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CASE NO: 3:16-bk-07947
CHAPTER 13
JUDGE RANDAL S. MASHBURN

ORDER TO MODIFY THE PLAN

Upon consideration of Debtors' Motion to Modify the Plan filed on September 17, 2019, it appears to the Court that notice of said motion pursuant to LBR 9013 has been given. It further appears to the Court no objections, responses or otherwise have been filed within the twenty-one (21) day response period. It is therefore

ORDERED that the Plan payments are reduced from \$663.50 bi-weekly to \$397.50 bi-weekly. It is further

ORDERED that the Plan base shall be reduced from \$86,200.00 to \$76,250.00. It is further

ORDERED that the guaranteed minimum dividend to allowed unsecured claims remains at forty percent (40%). It is further

ORDERED that Debtors shall dedicate future income tax returns to the Trustee for the life of the Plan. It is further

ORDERED that the Plan continue on a probationary basis subject to dismissal upon application of the Trustee following a future default in Plan payments. It is further

ORDERED that the Debtors will attend the Trustee's Financial Management Workshop within forty-five (45) days of the entry of this Order.

IT IS SO ORDERED.

This Order was signed and entered electronically as indicated at the top of the first page.

Approved For Entry By:

/s/ Lewis G. Burnett, Jr.

Lewis G. Burnett, Jr., TN Bar # 6463

Attorney for Debtors

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Nashville, TN 37209

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